CITY COUNCIL ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY/LEGAL ADMINISTRATION COMMITTEE -1108

A RESOLUTION TO APPROVE ATLANTA CAPITAL COURTS **FACILITIES** (ACCF) AS THE DEVELOPMENT TEAM RESPONSIBLE FOR PROGRAMMING, DESIGN-BUILD, FINANCING AND LEASE-PURCHASE OF THE ATLANTA CITY COURT FACILITY (THE PROJECT); TO PROVIDE ESTIMATED NOT TO EXCEED COST FOR THE PROJECT: TO AUTHORIZE THE MAYOR TO **EXECUTE** THE MASTER **DEVELOPMENT** AGREEMENT, THE DESIGN-BUILD AGREEMENT, LEASE-PURCHASE AGREEMENT AND ANY AND ALL OTHER AGREEMENTS NECESSARY FOR THE IMPLEMENTATION OF THE PROJECT; TO RESCIND CONFLICTING RESOLUTIONS; AND FOR OTHER PURPOSES.

WHEREAS, the City issued a Request for Proposals (RFP) for FC-6992-98 for Programming, Design-Build, Financing and Lease-Purchase of the Atlanta City Court Facility (The Project); and

WHEREAS, four proponents responded to said RFP; and

WHEREAS, Atlanta Capital Courts Facilities (ACCF) was determined to be the top-ranked proponent; and

WHEREAS, pursuant to Section 2-1193(e) of the City Code, the purchasing agent has negotiated with ACCF and ACCF has agreed to provide the required services at a price and rate of compensation which the purchasing agent has determined to be fair and reasonable to the City; and

WHEREAS, the City Court Judges and the Purchasing Agent have recommended ACCF as the top-ranked Proponent.



- <u>Section 1</u>: Atlanta Capital Courts Facilities (ACCF) is hereby approved as the development team responsible for Programming, Design-Build, Financing and Lease-Purchase of the Atlanta City Court Facility (The Project) for an estimated not to exceed cost of \$55,195,000.00.
- Section 2: The cost of the Project shall be paid totally from the fines and forfeitures levied by the City Court of Atlanta and no cost of the Project shall be charged to or paid from the General Fund of the City of Atlanta.
- Section 3: ACCF is hereby authorized to act as agent for the City for the purpose of negotiating the acquisition of land necessary for the construction of the Project. The Purchasing Agent is hereby authorized to issue a Notice to Proceed to ACCF to begin the negotiation process for land acquisition on August 1, 2001.
- Section 4: An amount not exceed \$8,000,000 is hereby authorized to be expended from the "Reserve Designated Lease/Pur- New Traffic Court Facility" fund currently being held in account No. 1A01792001G41C04049999 for the purpose of funding certain pre construction costs.
- <u>Section 5</u>: The Mayor is hereby authorized to execute the Master Development Agreement, the Design-Build Agreement, the Lease-Purchase Agreement and any and all other agreements necessary for the implementation of the Project.

Section 6: All resolutions or parts of resolutions in conflict herewith are hereby rescinded.

A true copy,

Thomba Daughin Johnson

Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

JUL 16, 2001

JUL 25, 2001

RCS# 2997 7/16/01 2:34 PM

Atlanta City Council

Regular Session

01-R-1108

Approve Atlanta Capital Courts Facilities as Development Team ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Unanimous.

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

Atlanta City Courts Facilities

City of Atlanta Pre-COPs Cashflow for Project (COPs sell in December)

Total	Pre Development Expenses Design/Build Expenses * Earnest Money for Land	Impact Fees Appraisal Design Expenses	Design Remibursables Environmental Audits Boundry Surveys Zoning & Planning Permits
\$781,000	\$180,000 \$50,000 \$77,000	\$20,000 \$403,000	\$51,000
\$583,000	\$50,000 \$77,000 \$150,000	\$45,000 \$217,000	\$20,000 \$9,000 \$10,000
\$557,000	\$50,000 \$77,000	\$158,000	\$21,000 \$21,000 \$3,000 \$7,000
\$1,921,000	\$180,000 \$150,000 \$231,000 \$150,000	\$203,000 \$203,000 \$20,000 \$851,000	**************************************

^{*} Earnest Money for Land will not be a payment made to ACCF.
** Assumes that COPs will be sold in December.
*** All pre-COPs Expenditures will be reimbursed to the City of Atlanta upon sale of the COPs.

Atlanta City Courts Facilities

City of Atlanta Pre-COPs Cashflow for Project (COPs sell in January)

\$2,413,000	\$492,000	\$557,000	\$583,000	\$781,000	Total
\$308,000 \$150,000	\$//,000	\$//,000	\$150,000	\$//,000	* Earnest Money for Land
\$180,000	\$50,000	\$50,000	\$50,000	\$50,000	Pre Development Expenses
\$1,085,000 \$1,085,000	\$234,000	\$231,000	\$217,000	\$403,000	Design Expenses
\$15,000 \$312,000	\$109,000	\$158,000	\$45,000		Impact Fees
\$12,000 \$17,000		\$7,000	\$10,000		Boundry Surveys Zoning & Planning Permits
<u>Total Pre-COPs</u> \$114,000	Jan-02 \$22,000	Dec-01 \$21,000	Nov-01 \$20,000	<u>Oct-01</u> \$51,000	Type of Expenditure Design Remibursables Environmental Audito

Earnest Money for Land will not be a payment made to ACCF. Assumes that COPs will be sold in January.

^{***} All pre-COPs Expenditures will be reimbursed to the City of Atlanta upon sale of the COPs.



CITY OF ATLANTA

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SUSAN PEASE LANGFORD
CITY ATTORNEY

October 18, 2001

Mr. Paul D. Little Managing Partner Atlanta Capital Courts Facilities 3424 Peachtree Road, NE Suite 200 Atlanta, GA 30326

Re: Atlanta City Courts Facilities

Dear Paul:

The purpose of this letter is to respond to key issues that were presented in our meetings with the Atlanta Capital Courts Facilities Team (ACCF) on October 9, and October 17, 2001. We look forward to working with you and your team.

In our meetings, we discussed three (3) financing options for structuring the issuance of Certificates of Participation (COPs) in connection with the financing of the planned Atlanta City Court Facilities Project. After reviewing the various financing options, the City's representatives (Judge Lynwood Jackson, Chief Financial Officer David Corbin, Debt Manager Mark Price and myself) have determined that it is in the City's best interest to proceed with Option 3.

In review, Option 3 utilizes long-term fixed-rate COPs financing for the project, with semi-annual debt payments expected to commence in 2002 and conclude in 2026. The approximate amount of the issue will not exceed \$55,195,000, the proceeds of which will: (1) reimburse the City for any and all pre-COPs expenditures for the project, (2) provide approximately \$49.6 million for land acquisition and project construction, (3) provide approximately \$3.8 million in additional funds to be utilized for project contingencies and (4) pay the costs of COPs insurance and other costs of COPs issuance.

Mr. Paul D. Little Atlanta Capital Courts Facilities October 18, 2001 Page two

Accordingly, ACCF is authorized to proceed with structuring the COPs issuance consistent with Option 3, in an approximate amount not to exceed \$55,195,000.

Finally, we are advised that there have been certain pre-construction costs incurred by the ACCF Team that will be reimbursed prior to the selling of the COPs. These costs (not to exceed \$2 million) will be reimbursed from funds currently held in Account No. 1A01792001G41C04049999 as referenced in Section 4 of City Council Resolution No. 01-R-1108. Of course, the pre-construction costs must be properly itemized, documented and invoiced. If you have questions or need additional information, please do not hesitate to call.

Yours very tru

Bernard R. Thomas

Senior Assistant City Attorney

City of Atlanta - Department of Law

cc: Judge Lynwood Jackson David Corbin Mark Price Felicia Strong-Whitaker